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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAMES DONDERO.

Appellant,

Case No. 3:21-cv-01590-N

VS.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee.

**HIGHLAND CAPITAL MANAGEMENT, L.P.'S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE BRIEF**

Highland Capital Management, L.P., the appellee (“Highland” or “Appellee”) in the above-captioned appeal (the “Appeal”), hereby submits this *Unopposed Motion for Extension*

of Time to File Response Brief (the “Motion”). In support of its Motion, Highland respectfully states as follows:

I. BACKGROUND

1. On June 15, 2021, appellant James Dondero (“Appellant”) filed his *Notice of Appeal* of the Bankruptcy Court’s *Memorandum Opinion and Order Granting in Part Plaintiff’s Motion to Hold James Dondero in Civil Contempt for Alleged Violation of TRO* [Adv. Proc. Docket No. 195].¹

2. On June 29, 2021, Appellant filed *Appellant’s Designation of Items to be Included in the Record on Appeal and Statement of Issues to be Presented* [Adv. Proc. Docket No. 203].

3. On August 6, 2021, the record on Appeal was transmitted to this Court. [Docket No. 7].²

4. On August 12, 2021, Appellant filed his *Unopposed Motion to Supplement the Record on Appeal* to address certain deficiencies in the record. [Docket No. 10].

5. On August 24, 2021, the Court entered the *Order Granting Appellants’ Unopposed Motion to Supplement Record on Appeal* [Docket No. 12] (the “Order”). The Order authorized Appellant to provide to the clerk for the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Bankruptcy Court”) certain supplemental items to be included in the record on Appeal. The Order further provided that Appellants’ opening brief (the “Opening Brief”) would be due within 30 days after the supplemental record was transmitted

¹ Refers to the docket maintained in the adversary proceeding captioned 21-3190.

² Refers to the docket maintained in the above-captioned appeal.

to the Court in accordance with Rule 8018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

6. On September 7, 2021, the supplemental record on Appeal was transmitted to the Court. [Docket No. 13].

7. On September 16, 2021, Appellant filed his *Unopposed Motion for Extension of Time to File Opening Brief* [Docket No. 14] (“Appellants’ Motion to Extend Time”).

8. On September 17, 2021, the Court issued its Order granting Appellants’ Motion to Extend Time. [Docket No. 15].

9. On November 8, 2021, Appellant filed his Opening Brief. [Docket No. 16].

10. Pursuant to Bankruptcy Rule 8018, Highland’s response brief (the “Response”) is currently due on December 8, 2021. *See* Fed. R. Bank. P. 8018(a)(2).

II. RELIEF REQUESTED

11. Highland respectfully requests a 30-day extension of time in which to file its Response.

12. Good cause exists for the requested extension. Counsel for Highland has a number of conflicting deadlines throughout the next several weeks, which would make it difficult for counsel to devote the requisite time to drafting the Response. A 30-day extension will provide counsel with sufficient time to address the Response.

13. Accordingly, for the foregoing reasons, Highland respectfully requests that the Court extend the deadline for Highland to file its Response from December 8, 2021 to January 7, 2022.

III. CONCLUSION

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) extending the deadline for Highland to file its Response from December 8, 2021 to January 7, 2022, and (iii) granting Highland such other and further relief as may be just and proper.

Dated: November 24, 2021

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on November 12, 2021, counsel for Highland corresponded with counsel for Appellant regarding the relief requested in the foregoing Motion. Counsel for Appellant advised counsel for Highland that Appellant is **UNOPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable

Zachery Z. Annable